

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Yoshinori MATSUURA et al.**

Serial Number: **09/923,963**

Filed: **August 8, 2001**



Group Art Unit: **1745**

Examiner: **Susy N. Tsang Foster**

PTO Confirmation No.: **2276**

For: **METAL HYDRIDE ALKALINE STORAGE CELL AND
MANUFACTURING METHOD THEREOF**

Attorney Docket No.: **981032A**

Customer No.: **38834**

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

July 20, 2004

Sir:

In response to an Office Action dated December 2, 2003, Applicants filed an Amendment and Terminal Disclaimer on February 26, 2004. Applicants note that a response to the Office Action was due on or before March 2, 2004, the final day of the three month allotted response period. Applicants attach herewith a copy of the date-stamped return post card that indices receipt of the Amendment, Terminal Disclaimer and check.

A deposit charge of \$110.00 was subsequently charged on April 21, 2004.

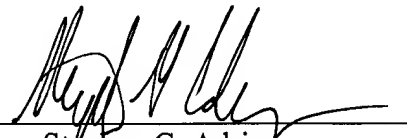
Applicants do not recognize this charge for anything that has been filed in the referenced application. A copy of the Deposit Account monthly statement dated April 30, 2004 accompanies this Request.

Application No.: 09/923,963
Amendment dated February 26, 2004
Reply to Office Action of December 2, 2003

Applicants request that the Patent Office refund the amount of \$110.00 to Deposit
Account 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

By: 
Stephen G. Adrian
Reg. No.: 32,878
Attorney for Applicants
Tel: (202) 822-1100
Fax: (202) 822-1111

Attachments: Amendment; Terminal Disclaimer; and date-stamped postcard filed
February 26, 2004
WHDA USPTO Monthly Statement of Deposit Account dated April 30,
2004

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

981032A

In re Application of: Yoshinori, MATSURRA, et al.

Application No.: 09/923,963

Filed: August 8, 2001

For: METAL HYDRIDE ALKALINE STORAGE CELL AND MANUFACTURING METHOD THEREOF

The owner*, Sanyo Electric Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,322,925. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

 2-26-04
 Signature Date
 Stephen G. Adrian
 Typed or printed name
 (202) 822-1100
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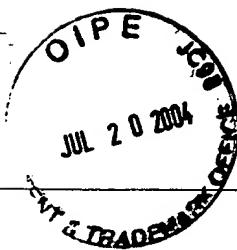
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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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